



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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CERTIFIED MAIL

7005 1820 0000 7659 3212

October 6, 2009

Jeff Sawyer, Hydraulic & Environmental Manager  
Department of Transportation  
Olympic Region  
P.O. Box 47417  
Olympia, WA 98504-7417

RE: Water Quality Certification Order 7100 for U.S. Coast Guard Public Notice 09-N-02 for the SR 303 Manette Bridge Replacement project in Kitsap County, Washington.

Dear Mr. Sawyer:

On May 15, 2009, The Washington Department of Transportation (WSDOT), submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification (401 Certification) under the federal Clean Water Act for the proposed SR 303 Manette Bridge Replacement project. The project entails constructing a new concrete bridge that is approximately 1550 feet long adjacent to and south of the existing bridge. After the new bridge is built, the existing bridge will be removed. The U.S. Coast Guard issued a joint public notice for this project on July 16, 2009.

On behalf of the State of Washington, Ecology certifies that the work described in the JARPA and the public notice complies with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended and to applicable state laws. This certification is subject to the conditions contained in the enclosed Order.

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SR 303 Manette Bridge Replacement  
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If you have any questions, please contact Penny Kelley at 360-407-7298. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brenden', with a stylized flourish at the end.

Brenden McFarland, Section Manager  
Shorelands and Environmental Assistance Program  
Department of Ecology

BM:pk  
Enclosure

e-cc: Austin Pratt – U.S. Coast Guard  
Doris Zahn - WSDOT  
Brooke Hamilton – U.S. Fish & Wildlife  
Cynthia Walcker, Ecology, Water Quality Program  
Loree' Randall – Ecology, HQ  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

<b>IN THE MATTER OF GRANTING A</b>	)	<b>ORDER # 7100</b>
<b>WATER QUALITY</b>	)	<b>Coast Guard Reference No. 09-N-02</b>
<b>CERTIFICATION TO</b>	)	Construct a new concrete bridge and remove the
Washington Department of	)	existing spanning Port Washington Narrows
Transportation	)	located in Kitsap County, Washington.
in accordance with 33 U.S.C. 1341	)	
(FWPCA § 401), RCW 90.48.120, RCW	)	
90.48.260 and Chapter 173-201A WAC	)	
	)	

TO: Jeff Sawyer  
Washington Department of Transportation  
P.O. Box 47417  
Olympia, WA 98504-7417

On May 15, 2009, Ecology received a Joint Aquatic Resources Permit Application (JARPA) from the Washington Department of Transportation (WSDOT) requesting a 401 Water Quality Certification (WQC). The U.S. Coast Guard issued a public notice for the project on July 16, 2009.

The proposed project entails constructing a new concrete bridge and removing the existing bridge. Temporary work platforms will be built over the water for construction of the new structure and demolition of the existing structure. Barges will be used to access the project, construct the temporary work platforms and remove the existing bridge. The new bridge will be ~ 1550 feet in length and will be located adjacent to and immediately south of the existing bridge. The new structure will tie into existing city street intersections on either end.

This project is on SR 303, Bridge # 303/4, Port of Washington Narrows on Puget Sound in the City of Bremerton, Kitsap County.

WRIA 15 – Kitsap  
Section 2, Township 24N, Range 1E

## **AUTHORITIES**

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §§1311, 1312, 1313, 1316, and 1317 (FWPCA §§ 301, 303, 306 and 307);
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws; and

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3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

**WATER QUALITY CERTIFICATION CONDITIONS**

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will not violate applicable water quality standards and other appropriate requirements of state law. In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve WSDOT from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project construction or operations.

**A. General Conditions**

1. For purposes of this Order, the term "Applicant" shall mean WSDOT, and its agents, assignees and contractors.
2. For purposes of this Order, all submittals required as conditions shall be sent to Ecology's HQ, Attn: Penny Kelley, Federal Project Coordinator, P.O. Box 47600, Olympia, WA 98504-7600 or via e-mail (preferred) at: [pkel461@ecy.wa.gov](mailto:pkel461@ecy.wa.gov), if possible, to the Coordinator assigned to this project. Notifications shall be made via phone or e-mail (preferred). All submittals and notifications shall be identified with Order No. 7100 and include the Applicant's name, project name, project location, the project contact and the contact's phone number.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on May 15, 2009. The Applicant will be out of compliance with this Order and must reapply with an updated application if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.
4. Within 30 days of receipt of an updated JARPA, Ecology will determine if the revised project requires a new water quality certification and public notice or if a modification to this Order is required.

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5. This Order shall be rescinded if the U.S. Coast Guard does not issue a Section 9 General Bridge permit.
6. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
7. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
8. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (*e.g.*, violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
9. The Applicant shall ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each signatory that s/he has read and understands the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins.
10. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.
11. Failure of any person or entity to comply with the Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

**B. Notification**

1. Notification shall be made to Ecology's Federal Project Coordinator in accordance with condition A.2 for the following activities:
  - a. At least 10 days prior to the preconstruction meeting;
  - b. At least 10 days prior to the onset of any work on site;
  - c. At least 10 days prior to bridge demolition work;

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- d. Immediately following a violation of the state water quality standards or conditions of this Order.

**C. Construction**

General Construction

1. All clearing limits, stockpiles, staging areas and trees in upland areas to be preserved shall clearly be marked with HVF prior to commencing construction activities and maintained until all work is completed for the project.
2. The Applicant shall develop and implement a Temporary Erosion and Sediment Control plan for upland areas within the project site.
3. Construction access points shall be stabilized with a pad of quarry spalls, crushed rock or other equivalent BMP to minimize tracking of sediment onto public roads.
4. Sediment control BMPs shall be constructed as one of the first steps in clearing and grading activities.
5. No petroleum products, fresh concrete, chemicals or other toxic or deleterious materials shall be allowed to enter waters of the state.
6. All construction debris, demolition debris, excess sediment, and other solid waste material shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.
7. Turbid de-watering water associated with in-water work shall not be discharged directly to waters of the state, including wetlands. Turbid de-watering water shall be routed to an upland area for on-site or off-site settling.
8. Clean de-watering water associated with in-water work that has been tested and confirmed to meet water quality standards may be discharge directly to waters of the state including wetlands. The discharge outfall method shall be designed and operated so as not to cause erosion or scour in the channel, banks, or vegetation.

Equipment & Maintenance

1. Staging areas in uplands will be located a minimum of 50 feet and, where practical, 200 feet from waters of the state, including wetlands. If an upland staging area must be located within 50 feet of waters of the state, then the Applicant shall provide a written explanation and obtain approval from Ecology's Federal Permit Coordinator before placing the staging area in the setback area.

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2. Equipment used for this project shall be free of external petroleum –based products while used around the waters of the state, including wetlands. Accumulation of soils or debris shall be removed from the drive mechanisms (wheel, tires, tracks, etc.) and the undercarriage of equipment prior to its use around waters of the state including wetlands.
3. Fuel Hoses, oil drums, oil or fuel transfer valves and fittings, etc. shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters.
4. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall not be discharged into state waters. The applicant shall set up a designated area for washing down equipment.
5. No cleaning solvents or chemicals used for tool or equipment cleaning may be discharged to the ground or to waters of the state, including wetlands.
6. A separate area shall be set aside, which does not have any possibility of draining to surface waters, for the wash-out of concrete delivery trucks, pumping equipment, and tools.

Bridge Construction & Demolition:

1. The Applicant shall minimize disturbance of vegetation when constructing the temporary work platforms for bridge construction and demolition activities.
2. Incidental debris from demolition activities shall be removed from waters of the state.
3. All saw cut water and debris generated from saw cutting activities that occur above water shall be contained and disposed of appropriately with no possible entry to state waters.
4. All forms for concrete shall be completely sealed to prevent the possibility of fresh concrete entering waters of the state.
5. All concrete shall be completely cured prior to coming in contact with water.
6. Concrete process water shall not enter waters of the state. Any concrete process/contact water discharged from a confined area with curing concrete shall be routed to upland areas to be treated and infiltrated or disposed of appropriately with no possible entry to state waters.

**D. Water Quality Criteria & Monitoring**

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards for turbidity as described in WAC 173-201A-210 (1)(e).

1. At least 20 days prior to commencing in-water work, the Applicant shall submit a Water Quality Monitoring & Protection Plan (WQMPP) to the Federal Project Coordinator for review and approval. In-water/over-water work shall not begin until Ecology approves the WQMPP. At a minimum the WQMPP shall include:
  - a. The name(s) and phone numbers(s) of the Pollution Control inspector and the person responsible for on-site monitoring and reporting;
  - b. The BMPs and procedures to be used to protect water quality during all in-water and overwater work, (including overwater/demolition work);
    - i.e. If barges are used for any type of staging for materials or equipment, the Applicant shall also include a description of the BMPs that will be used to protect water quality in the Water Quality Monitoring Protection Plan.
  - c. A water quality sampling plan for turbidity and pH including sampling method and frequency
  - d. A map with numbered or named sampling locations associated with the activities that require monitoring;
  - e. In-water/Over-water work contingency plans

**E. Timing Requirements**

1. This Order is valid until the U.S. Coast Guard Section 9 General Bridge Permit expires.
2. In-water work is subject to a fishery closure window determined by the Washington Department of fish & Wildlife's Hydraulic Project Approval (HPA). All in-water work shall be completed by the work window identified in the most current HPA issued for this project.

**F. Emergency/Contingency Measures**

1. The Applicant shall develop and implement a spill prevention and containment plan for this project and shall have spill cleanup material available on site at all times during construction



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2. Any work that is out of compliance with the provisions of this Order, or producing conditions that are causing distressed or dying fish, or causing any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into states is prohibited. If such work occurs, the Applicant shall immediately take the following actions:
  - a. Cease operations at the location of the violation;
  - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage;
  - c. In the event of finding distressed or dying fish, collect fish specimens and water samples in the affected area within the first hour of the event. These samples shall be held in refrigeration or on ice until the Applicant receives further instructions from Ecology. Ecology may require analyses of these samples before allowing the work to resume.
  - d. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with potential for entry into state waters, begin containment and cleanup efforts immediately and complete them as soon as possible. This work shall take precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
  - e. Immediately notify Ecology's Northwest Regional Spill Response Office at 425-649-7000 and Department of Fish & Wildlife of the nature of the problem, any actions taken to correct the problem, and proposed changes in operations to prevent further problems.
  - f. Immediately notify the National Response Center at 1-800-424-8802 for spills to water.

**G. Appeal Process**

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001 (2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; **electronic copies are not accepted.**

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**1. To file your appeal with the Pollution Control Hearings Board**

Mail appeal to:

Deliver your appeal in person to:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia WA 98504-0903

**OR**

The Pollution Control Hearings Board  
4224 – 6th Ave SE Rowe Six, Bldg 2  
Lacey WA 98503

**1. To serve your appeal on the Department of Ecology**

Mail appeal to:

Deliver your appeal in person to:

The Department of Ecology  
Appeals & Application for Relief  
Coordinator  
PO Box 47608  
Olympia WA 98504-7608

**OR**

The Department of Ecology  
Appeals & Application for Relief  
Coordinator  
300 Desmond Dr SE  
Lacey WA 98503

**3. And send a copy of your appeal to:**

Penny Kelley  
Department of Ecology  
Headquarters  
P.O. Box 47600  
Olympia, WA 98504-7600

*For additional information visit the Environmental Hearings Office Website:  
<http://www.eho.wa.gov>.*

*To find laws and agency rules visit the Washington State Legislature Website:  
<http://www.leg.wa.gov/CodeReviser>*

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

DATED Oct 6, 2009 at Olympia, Washington.



Brenden McFarland, Section Manager  
Shorelands & Environmental Assistance Program  
Headquarters Office – Ecology  
State of Washington

Attachment A

Water Quality Certification Order #7100  
Statement of Understanding

I, \_\_\_\_\_, state that, I will be involved as a WSDOT employee or an agent or contractor for Washington State Department of Transportation in the SR 303 Manette Bridge Replacement project in Kitsap County, WA. I further state that I have read and understand the relevant conditions of Washington Department of Ecology **Water Quality Certification Order #7100** and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Company

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, and Zip Code